

SENT VIA EMAIL

November 29, 2012

Vera Todorov
President
Association of Legal Professionals (ALP)
c/o City Attorney's Office
200 E. Santa Clara Street
San Jose, CA 95113

RE: 2012 Negotiations – Impasse and Mediation

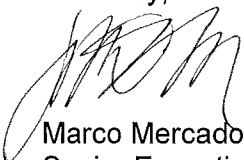
Dear Vera:

As we indicated during our meeting on Tuesday, November 27, 2012, the City believes we have reached a deadlock in negotiations over a Memorandum of Agreement with the Association of Legal Professionals ("ALP"). While this impasse is premised primarily on ALP's major economic issues (Cost of Living Adjustments, wage increases under the Management Performance Program, and Layoffs of at-will employees), ALP's unwillingness to execute any of the twenty tentative agreements we presented last week (including those where the City had accepted ALP's language) is a further indication that the parties need the assistance of an outside mediator. By copy of this letter, we are requesting that the California State Mediation and Conciliation Service appoint a mediator to this matter so that the parties can proceed to mediation per Section 23 of the Employer-Employee Relations Resolution No. 39367.

Despite the deadlock in negotiations, the City remains willing to meet early next week on Monday, December 3, 2012, at 1:00 p.m. given ALP's indication that it may have proposals it believes can break the impasse. The City is willing to meet with ALP either with a mediator or directly with ALP if no mediator is available. Moreover, we remain hopeful that ALP will be able to sign Tentative Agreements on at least those issues where there is a mutual agreement, in order to focus the mediation on those outstanding issues where the City and ALP remain far apart.

We will be contacting you shortly with the meeting location for our proposed meeting date and time of Monday, December 3, 2012, at 1:00 pm.

Sincerely,



Marco Mercado
Senior Executive Analyst

c: Annie Song-Hill, CA State Mediation and Conciliation Service
Jennifer Schembri, Assistant to the City Manager
Charles Sakai, City Negotiation Team
Glenn Schwarzbach, ALP Negotiation Team
Carl Mitchell, ALP Negotiation Team